

HOUSE BILL No. 1573

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-14-5-1; IC 9-24-11-9; IC 16-39-7-1; IC 16-42-19-5; IC 25-1; IC 25-7; IC 25-8; IC 25-14; IC 25-15-5-2; IC 25-21.8-4; IC 25-22.5-5-4.5; IC 25-23.5-3-1.5; IC 25-23.6-8; IC 25-27-1-2; IC 25-27.5; IC 25-34.1-2-5; IC 30-2-13-15; IC 34-30-2-77.8.

Synopsis: Various professions matters. Allows a physician assistant (PA) to certify medical conditions for disability placards and operator's licenses. Allows board approved activities to meet certain professional's continuing education requirements. Exempts a health care provider from liability for health records destroyed in a natural disaster. Specifies the service of notices and time computations for disciplinary actions. Provides that a qualifying pharmacist is subject to disciplinary actions if the pharmacist knew or should have known of a violation at the pharmacy. Allows a board to require restitution as part of a disciplinary sanction. Allows a board that regulates certain health professionals to establish the requirements to manage health records when a practice has been discontinued. Exempts certain sports team healthcare practitioners who provide treatment for their team members from state license requirements. Requires a barber shop and barber school to be inspected before an initial license is issued. Removes staggered license barber renewal system. Provides that a barber instructor's license and barber's license expire at the same time. Allows a person to take the barbers examination not more than five times without additional study. Requires 100 hours of additional study before taking a barber exam for the sixth time. Specifies that the practice of cosmetology does not include massage therapy. Requires cosmetology
(Continued next page)

Effective: June 30, 2008 (retroactive); July 1, 2008 (retroactive); July 1, 2009.

Welch, Brown C, Dodge

January 16, 2009, read first time and referred to Committee on Public Health.



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schools and certain salons to be inspected before an initial license is issued. Amends the education and practice experience requirements for reciprocity for certain professionals. Provides that a beauty culture practitioner's license and beauty culture instructor's license expire at the same time. Allows an esthetician with a temporary permit to work under the supervision of a cosmetologist. Allows the board to inspect a tanning facility before issuing a license. Establishes a fee for dentist's licenses or certain permits. Requires the fee to be placed in the dental recruitment fund. Establishes a program to provide grants to recruit dentists to underserved areas. Requires a massage therapist to have liability insurance and to display the therapist's certification. Removes the expiration date from the statute allowing temporary fellowship permits. Allows a PA to provide medical referrals to an occupational therapist. Allows certain persons who are in a doctoral program to either apply for a marriage and family therapist associate license or accrue clinical experience. Provides the means that marriage and family therapist postdegree experience is accumulated. Requires that a person who fails the marriage and family therapist exam three times must apply to the board to retake the exam. Allows a PA to provide a referral for physical therapy. Amends the list of PA approved programs. Removes the requirement that a PA's supervising physician be approved or registered with the medical licensing board. Removes the requirement that a PA with a temporary license must practice onsite with the supervising physician. Removes the requirement that a PA must engage in a dependant practice, under the supervision of the supervising physician, and within the supervising physician's scope of practice. Allows a PA to provide a medical service that: (1) is delegated by the supervising physician if the service is within the PA's skill, is a component of the physician's scope of practice, and is provided with supervision; or (2) is not a task within the scope of practice of the supervising physician if the physician has adequate training, oversight skills, and supervisory and referral arrangements to ensure competent provision of the service by the PA. Removes certain requirements from the PA's supervisory agreement and board approval of the agreement. Allows a PA to: (1) pronounce the death of an individual; and (2) authenticate with the PA's signature any form that may be authenticated by a physician's signature. Requires a supervising physician to not have certain disciplinary restrictions and to maintain an agreement with the PA. Allows the real estate commission to use an emergency rule to adopt the Uniform Standards of Professional Appraisal Practice. Allows the board of funeral and cemetery service to designate a successor seller when the initial seller does not comply with certain requirements. Repeals laws concerning: (1) cosmetology license renewal; (2) esthetician reciprocity requirements; (3) inspection of the funeral director examination; (4) PA's definition of "accrediting agency"; (5) use of a PA testing company; (6) the limit on the number of PAs a physician may supervise; and (7) information that a PA and supervising physician must submit to the medical licensing board. Makes conforming changes.

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Introduced

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

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HOUSE BILL No. 1573

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 9-14-5-1, AS AMENDED BY P.L.184-2007,
2 SECTION 12, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2009]: Sec. 1. The bureau shall issue a placard to the
4 following:
5 (1) An individual of any age who:
6 (A) has a temporary or permanent physical disability that
7 requires the use of a wheelchair, a walker, braces, or crutches;
8 (B) has temporarily or permanently lost the use of one (1) or
9 both legs;
10 (C) is certified to be severely restricted in mobility, either
11 temporarily or permanently, due to a pulmonary or
12 cardiovascular disability, arthritic condition, or orthopedic or
13 neurological impairment, by:
14 (i) a physician having an unlimited license to practice
15 medicine;



(ii) a physician who is a commissioned medical officer of the armed forces of the United States or of the United States Public Health Service;

(iii) a physician who is a medical officer of the United States Department of Veterans Affairs;

(iv) a chiropractor licensed under IC 25-10-1;

(v) a podiatrist licensed under IC 25-29-1; or

(vi) an advanced practice nurse licensed under IC 25-23; or

(vii) a physician assistant licensed under IC 25-27.5; or

(D) is certified by an optometrist or ophthalmologist licensed to practice in Indiana to be blind or visually impaired.

(2) Any corporation, limited liability company, partnership, unincorporated association, and any legal successor of the corporation, limited liability company, partnership, or association, empowered by the state or a political subdivision to operate programs, including the provision of transportation, or facilities for persons with physical disabilities.

SECTION 2. IC 9-24-11-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9. (a) This section applies to an individual who has an existing medical condition that causes the individual to appear intoxicated.

(b) An operator's permit or license issued to an individual under this section must bear a distinctive color coding on the face of the operator's permit or license.

(c) An individual who wishes to have an operator's permit or license issued under this section must provide a verified certificate from a physician **or physician assistant** licensed to practice in Indiana attesting to the individual's medical condition. The physician's **or physician assistant's** certificate must be:

(1) provided to the bureau at the time the individual applies for an operator's permit or license under this section;

(2) carried in any vehicle that the individual operates; and

(3) renewed each time the individual's operator's license is renewed.

(d) The bureau shall adopt rules under IC 4-22-2 to carry out this section.

SECTION 3. IC 16-39-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1. (a) As used in this section, "provider" means the following:

(1) A physician.

(2) A dentist.

(3) A registered nurse.

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- (4) A licensed practical nurse.
- (5) An optometrist.
- (6) A podiatrist.
- (7) A chiropractor.
- (8) A physical therapist.
- (9) A psychologist.
- (10) An audiologist.
- (11) A speech-language pathologist.
- (12) A home health agency licensed under IC 16-27.
- (13) A hospital or facility licensed under IC 16-21-2 or IC 12-25 or described in IC 12-24 or IC 12-29.

(b) A provider shall maintain the original health records or microfilms of the records for at least seven (7) years.

(c) A provider who violates subsection (b) commits an offense for which a board may impose disciplinary sanctions against the provider under the law that governs the provider's licensure, registration, or certification under this title or IC 25.

(d) A provider is immune from civil liability for destroying or failing to maintain a health record in violation of this section if the destruction or failure to maintain the health record occurred in connection with a disaster emergency as declared by the governor under IC 10-14-3-12.

SECTION 4. IC 16-42-19-5, AS AMENDED BY P.L.90-2007, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. As used in this chapter, "practitioner" means any of the following:

- (1) A ~~licensed~~ physician **licensed under IC 25-22.5.**
- (2) A veterinarian licensed to practice veterinary medicine in Indiana.
- (3) A dentist licensed to practice dentistry in Indiana.
- (4) A podiatrist licensed to practice podiatric medicine in Indiana.
- (5) An optometrist who is:
 - (A) licensed to practice optometry in Indiana; and
 - (B) certified under IC 25-24-3.
- (6) An advanced practice nurse who meets the requirements of IC 25-23-1-19.5.
- (7) A physician assistant licensed under IC 25-27.5 who is delegated prescriptive authority under IC 25-27.5-5-6.

SECTION 5. IC 25-1-4-0.5, AS AMENDED BY P.L.57-2007, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 0.5. As used in this chapter, "continuing education" means an orderly process of instruction:

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(1) that is approved by:

(A) an approved organization or the board for a profession or occupation other than a real estate appraiser; or

(B) for a real estate appraiser:

(i) the Appraiser Qualifications Board, under the regulatory oversight of the Appraisal Subcommittee established under Title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989; or

(ii) the real estate appraiser licensure and certification board established under IC 25-34.1-8 for specific courses and course subjects, as determined by the real estate appraiser licensure and certification board; and

(2) that is designed to directly enhance the practitioner's knowledge and skill in providing services relevant to the practitioner's profession or occupation.

The term includes an activity that is approved by the board for a profession or occupation, other than a real estate appraiser, and that augments the practitioner's knowledge and skill in providing services relevant to the practitioner's profession or occupation.

SECTION 6. IC 25-1-4-0.7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 0.7. (a) In computing any period under this chapter, the day of the act, event, or default from which the designated period of time begins to run is not included. The last day of the computed period is to be included unless it is:**

(1) a Saturday;

(2) a Sunday;

(3) a legal holiday under a state statute; or

(4) a day that the office in which the act is to be done is closed during regular business hours.

(b) A period runs until the end of the next day after a day described in subsection (a)(1) through (a)(4). If the period allowed is less than seven (7) days, intermediate Saturdays, Sundays, state holidays, and days on which the office, in which the act is to be done, is closed during regular business hours are excluded from the calculation.

(c) A period under this chapter that begins when a person is served with a paper begins with respect to a particular person on the earlier of the date that:

(1) the person is personally served with the notice; or

(2) a notice for the person is deposited in the United States mail.

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(d) If a notice is served through the United States mail, three (3) days must be added to a period that begins upon service of that notice.

SECTION 7. IC 25-1-4-5, AS AMENDED BY P.L.197-2007, SECTION 17, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) Notwithstanding any other law, if the board determines that a practitioner has not complied with this chapter or IC 25-1-8-6 at the time that the practitioner applies for license renewal or reinstatement or after an audit conducted under section 3 of this chapter, the board shall do the following:

(1) Send the practitioner notice of noncompliance by certified mail to the practitioner's last known address.

(2) As a condition of license renewal or reinstatement, require the practitioner to comply with subsection (b).

(3) For license renewal, issue a conditional license to the practitioner that is effective until the practitioner complies with subsection (b).

(b) Upon receipt service of a notice of noncompliance under subsection (a), a practitioner shall do either of the following:

(1) If the practitioner believes that the practitioner has complied with this chapter or IC 25-1-8-6, if applicable, within twenty-one (21) days of receipt service of the notice, send written notice to the board requesting a review so that the practitioner may submit proof of compliance.

(2) If the practitioner does not disagree with the board's determination of noncompliance, do the following:

(A) Except as provided in subsection (d), pay to the board a civil penalty not to exceed one thousand dollars (\$1,000) within twenty-one (21) days of receipt service of the notice.

(B) Acquire, within six (6) months after receiving service of the notice, the number of credit hours needed to achieve full compliance.

(C) Comply with all other provisions of this chapter.

(c) If a practitioner fails to comply with subsection (b), the board shall immediately suspend or refuse to reinstate the license of the practitioner and send notice of the suspension or refusal to the practitioner by certified mail.

(d) If the board determines that a practitioner has knowingly or intentionally made a false or misleading statement to the board concerning compliance with the continuing education requirements, in addition to the requirements under this section the board may impose a civil penalty of not more than five thousand dollars (\$5,000) under

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subsection (b)(2)(A).

(e) The board shall:

(1) reinstate a practitioner's license; or

(2) renew the practitioner's license in place of the conditional license issued under subsection (a)(3);

if the practitioner supplies proof of compliance with this chapter under subsection (b)(1) or IC 25-1-8-6, if applicable.

SECTION 8. IC 25-1-9-6.4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 6.4. (a) As used in this subsection, "qualifying pharmacist" means a pharmacist licensed under IC 25-26-13 who is responsible to the Indiana board of pharmacy (created under IC 25-26-13-3) for the legal operations of a pharmacy.**

(b) In addition to the actions listed under section 4 of this chapter that subject a practitioner to disciplinary sanctions, a pharmacist is subject to disciplinary sanctions under section 9 of this chapter if, after a hearing, the board of pharmacy finds that the practitioner:

(1) served as a qualifying pharmacist under IC 25-26-13-20; and

(2) knew or should have known that a violation of a state statute or rule, or federal statute or regulation, regulating the practice of pharmacy occurred at the pharmacy.

SECTION 9. IC 25-1-9-21 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 21. (a) The board may adopt rules under IC 4-22-2 to establish requirements for the management of health records (as defined in IC 16-18-2-168) on the discontinuation of practice by:**

(1) sale;

(2) transfer;

(3) closure;

(4) retirement; or

(5) death;

of the practitioner.

(b) The executor of the estate of a deceased practitioner shall ensure that health records are maintained securely for future access in compliance with IC 16-39.

SECTION 10. IC 25-1-11-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 12. (a) The board may impose any of the following sanctions, singly or in combination, if the board finds that a practitioner is subject to disciplinary sanctions under sections 5 through 9 of this chapter:**

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- (1) Permanently revoke a practitioner's license.
- (2) Suspend a practitioner's license.
- (3) Censure a practitioner.
- (4) Issue a letter of reprimand.
- (5) Place a practitioner on probation status and require the practitioner to:

- (A) report regularly to the board upon the matters that are the basis of probation;

- (B) limit practice to those areas prescribed by the board;

- (C) continue or renew professional education approved by the board until a satisfactory degree of skill has been attained in those areas that are the basis of the probation; or

- (D) perform or refrain from performing any acts, including community restitution or service without compensation, that the board considers appropriate to the public interest or to the rehabilitation or treatment of the practitioner.

- (6) Assess a civil penalty against the practitioner for not more than one thousand dollars (\$1,000) for each violation listed in sections 5 through 9 of this chapter except for a finding of incompetency due to a physical or mental disability.

- (7) Order a practitioner to pay consumer restitution to a person who suffered damages as a result of the conduct or omission that was the basis for the disciplinary sanctions under this chapter.**

(b) When imposing a civil penalty under subsection (a)(6), the board shall consider a practitioner's ability to pay the amount assessed. If the practitioner fails to pay the civil penalty within the time specified by the board, the board may suspend the practitioner's license without additional proceedings. However, a suspension may not be imposed if the sole basis for the suspension is the practitioner's inability to pay a civil penalty.

(c) The board may withdraw or modify the probation under subsection (a)(5) if the board finds after a hearing that the deficiency that required disciplinary action has been remedied or that changed circumstances warrant a modification of the order.

SECTION 11. IC 25-1-15 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

Chapter 15. Exemptions for Athletic Organization Practitioners Licensed in Other Jurisdictions

Sec. 1. As used in this chapter, "license" includes a license, certificate, or registration.

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1 **Sec. 2. As used in this chapter, "practitioner" refers to any of**
 2 **the following:**

- 3 **(1) Athletic trainer.**
- 4 **(2) Chiropractor.**
- 5 **(3) Dentist.**
- 6 **(4) Dietitian.**
- 7 **(5) Marriage and family therapist.**
- 8 **(6) Massage therapist.**
- 9 **(7) Mental health counselor.**
- 10 **(8) Nurse.**
- 11 **(9) Optometrist.**
- 12 **(10) Physical therapist.**
- 13 **(11) Physician.**
- 14 **(12) Physician assistant.**
- 15 **(13) Podiatrist.**
- 16 **(14) Psychologist.**
- 17 **(15) Social worker.**

18 **Sec. 3. (a) A practitioner licensed in another state, territory, or**
 19 **jurisdiction of the United States or of any nation or foreign**
 20 **jurisdiction is exempt from the requirements of licensure under**
 21 **this title, if the practitioner:**

- 22 **(1) holds an active license to practice the profession in**
 23 **question in the other jurisdiction;**
- 24 **(2) engages in the active practice of the profession in which**
 25 **the practitioner is licensed in the other jurisdiction; and**
- 26 **(3) is employed or designated as the athletic or sports**
 27 **organization's practitioner by an athletic or sports**
 28 **organization visiting Indiana for a specific sporting event.**

29 **(b) A practitioner's practice under this section is limited to the**
 30 **members, coaches, and staff of the athletic or sports organization**
 31 **that employs or designates the practitioner.**

32 **(c) A practitioner practicing in Indiana under the authority of**
 33 **this section:**

- 34 **(1) does not have practice privileges in any licensed hospital**
 35 **or health care facility; and**
- 36 **(2) is not authorized to issue orders or prescriptions or to**
 37 **order testing at a medical facility;**

38 **in Indiana.**

39 **(d) A practitioner's practice under this section may not exceed**
 40 **thirty (30) consecutive days for a specific event.**

41 **SECTION 12. IC 25-7-5-15 IS AMENDED TO READ AS**
 42 **FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 15. The board shall**

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adopt rules under IC 4-22-2 to:

(1) prescribe sanitary requirements for:

(A) barber shops; and

(B) barber schools;

(2) establish standards for the **competent** practice of barbering and the operation of:

(A) barber shops; and

(B) barber schools. ~~and~~

~~(3) implement the licensing system under this article and provide for a staggered renewal system for licenses.~~

SECTION 13. IC 25-7-5-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 21. (a) A:

(1) member of the board;

(2) state inspector; or

(3) state investigator;

may inspect a barber shop or barber school during the shop's or school's regular business hours.

(b) A member of the board, state inspector, or state investigator shall inspect:

(1) a barber shop; or

(2) a barber school;

before an initial license is issued.

SECTION 14. IC 25-7-6-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 11. (a) ~~All licenses~~

Except for an instructor license issued under IC 25-7-8-1, a license issued or renewed under this article other than those described in subsection (b) are is valid for four (4) years.

~~(b) Barber school licenses are valid for two (2) years.~~

(b) A license issued to an instructor under IC 25-8-6-1 expires at the time that the instructor's barber license expires. The board shall renew an instructor's license under this subsection concurrently with the instructor's barber license.

SECTION 15. IC 25-7-10-4, AS AMENDED BY P.L.157-2006, SECTION 32, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) If a person does not receive a satisfactory grade on the written examination described in IC 25-7-6-5, the person may repeat the examination ~~within ninety (90) days after the date of the examination~~ **not more than four (4) times** without completing any additional study in barbering.

(b) If, **after five (5) attempts**, a person does not receive a satisfactory grade on the ~~repeat~~ examination described in ~~subsection (a), IC 25-7-6-5,~~ the person will be permitted to repeat the examination

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only upon proof of completion of ~~two one hundred fifty (250)~~ **(100)** additional hours of training at an approved barber school.

SECTION 16. IC 25-8-2-5, AS AMENDED BY P.L.78-2008, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. (a) "Cosmetology" means performing any of the following acts on the head, face, neck, shoulders, torso, arms, hands, legs, or feet of a person:

(1) Cutting, trimming, styling, arranging, dressing, curling, waving, permanent waving, cleansing, bleaching, tinting, coloring, or similarly treating hair.

(2) Applying oils, creams, antiseptics, clays, lotions, or other preparations to massage, cleanse, stimulate, manipulate, exercise, or beautify.

(3) Arching eyebrows.

(4) Using depilatories.

(5) Manicuring and pedicuring.

(b) "Cosmetology" does not include performing any of the acts described in subsection (a):

(1) in treating illness or disease;

(2) as a student in a cosmetology school that complies with the notice requirements set forth in IC 25-8-5-6;

(3) in performing shampooing operations; or

(4) without compensation.

(c) "Cosmetology" does not include **the following**:

(1) Performing the act of threading.

(2) Performing massage therapy (as defined in IC 25-21.8-1).

SECTION 17. IC 25-8-3-28, AS AMENDED BY P.L.157-2006, SECTION 37, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 28. **(a)** A member of the board or any inspector or investigator may inspect:

(1) a cosmetology salon;

(2) an electrology salon;

(3) an esthetic salon;

(4) a manicuring salon; ~~or~~

(5) a cosmetology school; **or**

(6) a mobile salon;

during its regular business hours.

(b) A member of the board or any inspector or investigator shall inspect:

(1) a cosmetology salon;

(2) an electrology salon;

(3) an esthetic salon;

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1 **(4) a manicuring salon;**
 2 **(5) a cosmetology school; or**
 3 **(6) a mobile salon;**
 4 **before an initial license is issued.**

5 SECTION 18. IC 25-8-4-2 IS AMENDED TO READ AS
 6 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) If the board
 7 determines that:

8 (1) a person possesses a valid license from another jurisdiction to
 9 perform acts that require a license under this article; and

10 (2) the jurisdiction issuing the license imposes substantially equal
 11 requirements on applicants for the license as are imposed on
 12 applicants for an Indiana license;

13 the board may issue a license to perform those acts in Indiana to that
 14 person upon payment of the fee required under IC 25-8-13.

15 (b) This subsection applies only to applications for a cosmetologist
 16 license under IC 25-8-9. If the jurisdiction issuing the license does not
 17 impose substantially equal requirements **for education hours** as
 18 required under subsection (a)(2), the board may approve the
 19 combination of education hours plus actual licensed practice in the
 20 other jurisdiction when issuing a license to a person from that
 21 jurisdiction. One (1) year of licensed practice is equal to one hundred
 22 (100) hours of education to an applicant who has completed a
 23 minimum of one thousand (1,000) hours of education.

24 (c) This subsection applies only to applications for a manicurist
 25 license under IC 25-8-11. ~~Applicants for a manicurist license under this~~
 26 ~~section must take the written examination described by section 8(2) of~~
 27 ~~this chapter and score at least seventy-five percent (75%) on the~~
 28 ~~examination. If the jurisdiction issuing a license does not impose~~
 29 ~~substantially equal requirements for education hours as required~~
 30 ~~under subsection (a)(2), the board may approve the combination~~
 31 ~~of education hours plus actual licensed practice in the other~~
 32 ~~jurisdiction when issuing a license to a person from that~~
 33 ~~jurisdiction, as follows:~~

34 (1) **For an applicant with less than twenty (20) years of actual**
 35 **licensed practice as a manicurist, one (1) year of licensed**
 36 **practice is equal to one hundred (100) hours of education to**
 37 **an applicant who has completed at least three hundred (300)**
 38 **hours of education.**

39 (2) **For an applicant with twenty (20) or more years of actual**
 40 **licensed practice as a manicurist, one (1) year of licensed**
 41 **practice is equal to one hundred (100) hours of education to**
 42 **an applicant who has completed at least one hundred (100)**

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hours of education.

(d) This subsection applies only to applications for an electrologist license under IC 25-8-10. If the jurisdiction issuing a license does not impose substantially equal requirements for education hours as required under subsection (a)(2), the board may approve the combination of education hours plus actual licensed practice in the other jurisdiction when issuing a license to a person from that jurisdiction. One (1) year of licensed practice as an electrologist is equal to one hundred (100) hours of education to an applicant who has completed at least two hundred (200) hours of education.

(e) This subsection applies only to applications for an esthetician license under IC 25-8-12.5. If the jurisdiction issuing a license does not impose substantially equal requirements for education hours as required under subsection (a)(2), the board may approve the combination of education hours plus actual licensed practice in the other jurisdiction when issuing a license to a person from that jurisdiction. One (1) year of licensed practice as an esthetician is equal to one hundred (100) hours of education to an applicant who has completed at least four hundred (400) hours of education.

(f) This subsection applies only to applications for a beauty culture instructor license under IC 25-8-6. If the jurisdiction issuing a license does not impose substantially equal requirements for education hours as required under subsection (a)(2), the board may approve the combination of education hours plus actual licensed practice in the other jurisdiction when issuing a license to a person from that jurisdiction. One (1) year of licensed practice as a beauty culture instructor is equal to one hundred (100) hours of education to an applicant who has completed at least seven hundred (700) hours of education.

SECTION 19. IC 25-8-4-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 17. (a) **Except for an instructor license issued under IC 25-8-6-1, a license issued or renewed under this article is valid for expires on a date specified by the licensing agency under IC 25-1-6-4 and expires four (4) years after the initial expiration date.**

(b) A license issued to an instructor under IC 25-8-6-1 expires at the time that the instructor's practitioner license expires. The board shall renew an instructor's license under this subsection concurrently with the instructor's practitioner license.

(c) Except as provided in IC 25-8-9-11, a person who holds a license under this article may apply for renewal.

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SECTION 20. IC 25-8-9-9, AS AMENDED BY P.L.197-2007, SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9. (a) The temporary cosmetologist work permit application described in section 8 of this chapter must state that the applicant:

(1) will practice cosmetology under the supervision of a cosmetologist; and

(2) has filed an application under:

(A) section 2 of this chapter, but has not taken the examination described by section 3(4) of this chapter; or

(B) IC 25-8-4-2 and is awaiting a board determination.

(b) The temporary electrologist work permit application described in section 8 of this chapter must state that the applicant:

(1) will practice electrology under the supervision of an electrologist; and

(2) has filed an application under:

(A) IC 25-8-10-2, but has not taken the examination described in IC 25-8-10-3(3); or

(B) IC 25-8-4-2 and is awaiting a board determination.

(c) The temporary esthetician work permit application described in section 8 of this chapter must state that the applicant:

(1) will practice esthetics under the supervision of an esthetician **or cosmetologist**; and

(2) has filed an application under:

(A) IC 25-8-12.5-3, but has not taken the examination described in IC 25-8-12.5-4(4); or

(B) IC 25-8-4-2 and is awaiting a board determination.

(d) The temporary manicurist work permit application described in section 8 of this chapter must state that the applicant:

(1) will practice manicuring under the supervision of a cosmetologist or manicurist; and

(2) has filed an application under:

(A) IC 25-8-11-3, but has not taken the examination described in IC 25-8-11-4(4); or

(B) IC 25-8-4-2 and is awaiting a board determination.

SECTION 21. IC 25-8-12.5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. ~~Except as provided in section 7 of this chapter~~; To receive a license issued under this chapter, a person must:

(1) be at least eighteen (18) years of age;

(2) have successfully completed the tenth grade or received the equivalent of a tenth grade education;

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- (3) have graduated from an esthetics program in a cosmetology school;
- (4) have received a satisfactory grade (as defined by IC 25-8-4-9) on an examination for esthetician license applicants prescribed by the board;
- (5) not have committed an act for which the person could be disciplined under IC 25-8-14; and
- (6) pay the fee set forth in IC 25-8-13-11 for the issuance of a license under this chapter.

SECTION 22. IC 25-8-15.4-6, AS AMENDED BY P.L.194-2005, SECTION 51, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 6. To obtain a license to operate a tanning facility, a person must do the following:

- (1) Submit an application to the board on a form prescribed by the board.
- (2) Pay a fee established by the board under IC 25-1-8-2.

(3) Submit to an inspection of the facility by the board.

SECTION 23. IC 25-14-1-31 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 31. (a) In addition to any other fees charged to a dentist, the board shall collect an additional twenty dollar (\$20) fee for the following licenses and permits issued to a dentist:**

- (1) A license to practice dentistry.**
- (2) A permit to administer anesthesia or sedation under section 3.1 of this chapter.**
- (3) A controlled substances registration permit (IC 35-48-3).**

(b) The fees collected under this section shall be deposited in the Indiana dental recruitment fund (IC 25-14-5-5).

SECTION 24. IC 25-14-5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]:

Chapter 5. Dentist Loan for Underserved Area Recruitment Program

Sec. 1. As used in this chapter, "committee" means the dental underserved area recruitment committee established by section 4 of this chapter.

Sec. 2. As used in this chapter, "fund" refers to the Indiana dental recruitment fund established by section 5 of this chapter.

Sec. 3. As used in this chapter, "underserved area" means a county, city, town, census tract, or township designated by the state department of health under IC 16-46-5-7 or by the committee as

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underserved by general dentists, pediatric dentists, or oral surgeons.

Sec. 4. (a) The dental underserved area recruitment committee is established.

(b) The committee consists of four (4) members as follows:

(1) One (1) member of the board, who is selected by the board.

(2) The commissioner of the state department of health, or the commissioner's designee.

(3) The president of the Indiana Dental Association, or the president's designee.

(4) The dean of the Indiana University School of Dentistry, or the dean's designee.

(c) The member selected under subsection (b)(1) shall serve as chairperson of the committee.

Sec. 5. (a) The Indiana dental recruitment fund is established. The purpose of the fund is to provide grants to dentists to encourage the full-time delivery of dental care in underserved areas. The board shall administer the fund.

(b) The fund consists of the following:

(1) Fees deposited under IC 25-14-1-31.

(2) Payments made under section 6(3) of this chapter.

(3) Gifts to the fund.

(4) Grants from public or private sources.

(c) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(e) The fund shall be used to do the following:

(1) Provide grants under this chapter.

(2) Pay the costs incurred by the committee in administering this chapter.

Sec. 6. To be eligible for a grant, a dentist must meet all the following conditions:

(1) Hold a license to practice as a dentist under this article.

(2) Has entered into an agreement with the committee to:

(A) either:

(i) commit to working five (5) years in a underserved area for a yearly grant of thirty-five thousand dollars (\$35,000); or

(ii) commit to working two (2) years in a underserved area for a yearly grant of thirty thousand dollars (\$30,000) with the option by the dentist to serve up to

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three (3) additional years for a yearly grant of thirty-five thousand dollars (\$35,000);

(B) provide an average of at least forty (40) hours of dentistry in underserved areas per week;

(C) maintain a patient base that includes at least thirty percent (30%) as Medicaid patients; and

(D) provide a sliding fee scale, as approved by the committee, for low income patients.

(3) Has entered into an agreement with the committee that if the dentist does not comply with the requirements in subdivision (2) that the dentist will pay back to the committee seven thousand five hundred dollars (\$7,500), plus interest, for each month that the dentist did not serve or had left to serve under the terms of the agreement.

Sec. 7. A dentist must apply for a grant on an application form supplied by the committee.

Sec. 8. The committee shall consider each application and determine the following:

(1) The eligibility of the applicant for the grant program.

(2) The availability of sufficient money in the fund.

Sec. 9. The committee may recommend rules for the board to adopt under IC 4-22-2 that are necessary to administer this chapter.

SECTION 25. IC 25-21.8-4-2, AS AMENDED BY P.L.3-2008, SECTION 186, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. An individual who applies for certification as a massage therapist must do the following:

(1) Furnish evidence satisfactory to the board showing that the individual:

(A) is at least eighteen (18) years of age;

(B) has a high school diploma or the equivalent of a high school diploma;

(C) has successfully completed a massage therapy school or program that:

(i) requires at least five hundred (500) hours of supervised classroom and hands on instruction on massage therapy;

(ii) is in good standing with a state, regional, or national agency of government charged with regulating massage therapy schools or programs; and

(iii) is accredited by the Indiana commission on proprietary education established by IC 21-17-2-1 or accredited by another state where the standards for massage therapy

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education are substantially the same as the standards in Indiana, or is a program at an institution of higher learning that is approved by the board; and

(D) has taken and passed a certification examination approved by the board.

(2) Provide a history of any criminal convictions the individual has, including any convictions related to the practice of the profession. The board shall deny an application for certification if the applicant:

(A) has been convicted of:

(i) prostitution;

(ii) rape; or

(iii) sexual misconduct; or

(B) is a registered sex offender.

(3) Provide proof that the applicant has professional liability insurance in force.

~~(3)~~ (4) Verify the information submitted on the application form.

~~(4)~~ (5) Pay fees established by the board.

SECTION 26. IC 25-21.8-4-4 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 4. A massage therapist who is certified under this article shall display proof of certification when practicing massage therapy.**

SECTION 27. IC 25-22.5-5-4.5, AS AMENDED BY P.L.1-2006, SECTION 449, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JUNE 30, 2008 (RETROACTIVE)]: Sec. 4.5. (a) The board may authorize the agency to issue temporary fellowship permits for the practice of medicine. A temporary fellowship is subject to any termination date specified by the board.

(b) The board may issue a temporary fellowship permit to a graduate of a school located outside the United States, its possessions, or Canada if the graduate:

(1) applies in the form and manner required by the board;

(2) pays a fee set by the board;

(3) has completed the academic requirements for the degree of doctor of medicine from a medical school approved by the board;

(4) has been issued a valid permit by another state for participation in a postgraduate medical education or training program located in a state that has standards for postgraduate medical education and training satisfactory to the board;

(5) has been accepted into a postgraduate medical fellowship training program that:

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- 1 (A) is affiliated with a medical school located in a state that
 2 issued a permit under subdivision (4);
 3 (B) has a training site located in Indiana; and
 4 (C) has standards for postgraduate medical education and
 5 training satisfactory to the board;
 6 (6) provides the board with documentation of the areas of medical
 7 practice for which the training is sought;
 8 (7) provides the board with at least two (2) letters of reference
 9 documenting the individual's character; and
 10 (8) demonstrates to the board that the individual is a physician of
 11 good character who is in good standing outside the United States,
 12 its possessions, or Canada where the person normally would
 13 practice.
- 14 (c) Applications for the temporary fellowship permit for graduates
 15 of foreign medical schools must be made to the board subject to this
 16 section.
- 17 (d) A permit issued under this section expires one (1) year after the
 18 date it is issued and, at the discretion of the board, may be renewed for
 19 additional one (1) year periods upon the payment of a renewal fee set
 20 by the board by rule.
- 21 (e) An individual who applies for a temporary fellowship permit
 22 under this section is not required to take any step of the United States
 23 Medical Licensure Examination.
- 24 (f) A temporary fellowship permit must be kept in the possession of
 25 the fellowship training institution and surrendered by it to the board
 26 within thirty (30) days after the person ceases training in Indiana.
- 27 (g) A temporary fellowship permit authorizes a person to practice
 28 in the training institution only and, in the course of training, to practice
 29 only those medical acts approved by the board but does not authorize
 30 the person to practice medicine otherwise.
- 31 (h) The board may deny an application for a temporary fellowship
 32 permit if the training program that has accepted the applicant has:
 33 (1) violated; or
 34 (2) authorized or permitted a physician to violate;
 35 this section.
- 36 (i) A person issued a temporary fellowship permit under this section
 37 must file an affidavit that:
 38 (1) is signed by a physician licensed in Indiana;
 39 (2) includes the license number of the signing physician;
 40 (3) attests that the physician will monitor the work of the
 41 physician holding the temporary fellowship permit; and
 42 (4) is notarized.

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The affidavit must be filed with the agency before the person holding the temporary fellowship permit may provide medical services.

~~(j) This section expires July 1, 2008.~~

SECTION 28. IC 25-23.5-3-1.5, AS AMENDED BY P.L.134-2008, SECTION 35, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 1.5. (a) Except as provided in subsection (b), an occupational therapist may not provide occupational therapy services to a person until the person has been referred to the occupational therapist by one (1) of the following:

- (1) A physician licensed under IC 25-22.5.
- (2) A podiatrist licensed under IC 25-29.
- (3) An advanced practice nurse licensed under IC 25-23.
- (4) A psychologist licensed under IC 25-33.
- (5) A chiropractor licensed under IC 25-10.
- (6) An optometrist licensed under IC 25-24.
- (7) A physician assistant licensed under IC 25-27.5.**

(b) An occupational therapist may provide the following services without a referral from a physician licensed under IC 25-22.5, a podiatrist licensed under IC 25-29, an advanced practice nurse licensed under IC 25-23, a psychologist licensed under IC 25-33, a chiropractor licensed under IC 25-10, or an optometrist licensed under IC 25-24, **or a physician assistant licensed under IC 25-27.5:**

- (1) Ergonomic or home assessment.
- (2) Injury or illness prevention education and wellness services.
- (3) Occupational therapy activities provided in an educational setting.
- (4) Occupational therapy activities that the board determines, after reviewing the recommendations of the committee, are appropriate to be conducted in a community based environment.

SECTION 29. IC 25-23.6-8-1, AS AMENDED BY P.L.134-2008, SECTION 39, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008 (RETROACTIVE)]: Sec. 1. An individual who applies for a license as a marriage and family therapist must meet the following requirements:

- (1) Furnish satisfactory evidence to the board that the individual has:
 - (A) received a master's or doctor's degree in marriage and family therapy, or in a related area as determined by the board from an eligible postsecondary educational institution that meets the requirements under section 2.1(a)(1) of this chapter or from a foreign school that has a program of study that meets the requirements under section 2.1(a)(2) or (2.1)(a)(3) of this

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- 1 chapter; and
 2 (B) completed the educational requirements under section 2.5
 3 of this chapter.
 4 (2) Furnish satisfactory evidence to the board that the individual
 5 has met the clinical experience requirements under section 2.7 of
 6 this chapter.
 7 (3) Furnish satisfactory evidence to the board that the individual:
 8 (A) **except as provided in section 1.7 of this chapter**, holds
 9 a marriage and family therapist associate license, in good
 10 standing, issued under section 5 of this chapter; or
 11 (B) is licensed or certified to practice as a marriage and family
 12 therapist in another state and is otherwise qualified under this
 13 chapter.
 14 (4) Furnish satisfactory evidence to the board that the individual
 15 does not have a conviction for a crime that has a direct bearing on
 16 the individual's ability to practice competently.
 17 (5) Furnish satisfactory evidence to the board that the individual
 18 has not been the subject of a disciplinary action by a licensing or
 19 certification agency of another state or jurisdiction on the grounds
 20 that the individual was not able to practice as a marriage and
 21 family therapist without endangering the public.
 22 (6) Pay the fee established by the board.
 23 SECTION 30. IC 25-23.6-8-1.7 IS ADDED TO THE INDIANA
 24 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
 25 [EFFECTIVE JULY 1, 2008 (RETROACTIVE)]: **Sec. 1.7. An**
 26 **individual who receives a master's degree and enters a doctoral**
 27 **program may do either of the following:**
 28 (1) **Apply for a marriage and family therapist associate license**
 29 **under section 1.5 of this chapter by meeting the requirements**
 30 **of this chapter.**
 31 (2) **Elect not to apply for a marriage and family therapist**
 32 **associate license under section 1.5 of this chapter, accrue the**
 33 **clinical experience required under section 2.7(b) of this**
 34 **chapter, and apply for a marriage and family therapist license**
 35 **at the conclusion of the doctoral program.**
 36 SECTION 31. IC 25-23.6-8-2.7, AS AMENDED BY P.L.134-2008,
 37 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
 38 JULY 1, 2008 (RETROACTIVE)]: **Sec. 2.7. (a) As used in this**
 39 **section, "first available examination" means the first examination**
 40 **after the date of:**
 41 (1) **graduation; or**
 42 (2) **moving into Indiana;**

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that has an application deadline that is at least thirty (30) days after the date of graduation or the date of moving into Indiana, unless the individual chooses to meet a deadline that is less than thirty (30) days after either of those events.

(a) (b) An applicant for a license as a marriage and family therapist under section 1 of this chapter must have at least two (2) years of clinical experience, during which at least fifty percent (50%) of the applicant's clients were receiving marriage and family therapy services. The applicant's clinical experience must include one thousand (1,000) hours of postdegree clinical experience and two hundred (200) hours of postdegree clinical supervision, of which one hundred (100) hours must be individual supervision, under the supervision of a licensed marriage and family therapist who has at least five (5) years of experience or an equivalent supervisor, as determined by the board.

(b) Before an individual obtains any post degree clinical experience, the individual must be licensed as a marriage and family therapist associate under this chapter.

(c) If an individual applies for, takes, and passes the first available examination, the individual may not count more than five hundred (500) hours of the postdegree clinical experience that is:

- (1) required under subsection (b); and
- (2) accumulated before taking the examination toward licensure as a marriage and family therapist.

(d) If an individual does not pass the first available examination, the individual may:

- (1) retain the hours accumulated before taking the examination;
- (2) continue working; and
- (3) not accumulate any additional hours toward licensure as a marriage and family therapist until passing the examination.

(e) If an individual does not take the first available examination, the individual may not begin accumulating any postdegree clinical experience hours toward licensure as a marriage and family therapist until the individual passes the examination.

(f) When obtaining the clinical experience required under subsection (a), (b), the applicant must provide direct individual, group, and family therapy and counseling to the following categories of cases:

- (1) Unmarried couples.
- (2) Married couples.
- (3) Separating or divorcing couples.
- (4) Family groups, including children.

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(g) A doctoral internship may be applied toward the supervised work experience requirement.

(h) Except as provided in subsection (e), (i), the experience requirement may be met by work performed at or away from the premises of the supervising marriage and family therapist.

(i) The work requirement may not be performed away from the supervising marriage and family therapist's premises if:

(1) the work is the independent private practice of marriage and family therapy; and

(2) the work is not performed at a place that has the supervision of a licensed marriage and family therapist or an equivalent supervisor, as determined by the board.

SECTION 32. IC 25-23.6-8-15 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2008 (RETROACTIVE)]: **Sec. 15. An individual who fails the examination required under this chapter three (3) times must apply to the board for permission to take the examination again.**

SECTION 33. IC 25-27-1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) Except as otherwise provided in this chapter, it is unlawful for a person to practice physical therapy or to profess to be a physical therapist, physiotherapist, or physical therapy technician or to use the initials "P.T.", "P.T.T.", or "R.P.T.", or any other letters, words, abbreviations, or insignia indicating that the person is a physical therapist, or to practice or to assume the duties incident to physical therapy without first obtaining from the board a license authorizing the person to practice physical therapy in this state.

(b) It is unlawful for a person to practice physical therapy other than upon the order or referral of a physician, **physician assistant**, podiatrist, psychologist, chiropractor, or dentist holding an unlimited license to practice medicine, **medicine with physician supervision**, podiatric medicine, psychology, chiropractic, or dentistry, respectively. It is unlawful for a physical therapist to use the services of a physical therapist's assistant except as provided under this chapter. For the purposes of this subsection, the function of:

(1) teaching;

(2) doing research;

(3) providing advisory services; or

(4) conducting seminars on physical therapy;

is not considered to be a practice of physical therapy.

(c) Except as otherwise provided in this chapter, it is unlawful for

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a person to act as a physical therapist's assistant or to use initials, letters, words, abbreviations, or insignia indicating that the person is a physical therapist's assistant without first obtaining from the board a certificate authorizing the person to act as a physical therapist's assistant. It is unlawful for the person to act as a physical therapist's assistant other than under the direct supervision of a licensed physical therapist who is in responsible charge of a patient or under the direct supervision of a physician. However, nothing in this chapter prohibits a person licensed or registered in this state under another law from engaging in the practice for which the person is licensed or registered. These exempted persons include persons engaged in the practice of osteopathy, chiropractic, or podiatric medicine.

(d) This chapter does not authorize a person who is licensed as a physical therapist or certified as a physical therapist's assistant to:

(1) evaluate any physical disability or mental disorder except upon the order or referral of a physician, **physician assistant**, podiatrist, psychologist, chiropractor, or dentist;

(2) practice medicine, surgery (as described in IC 25-22.5-1-1.1(a)(1)(C)), dentistry, optometry, osteopathy, psychology, chiropractic, or podiatric medicine; or

(3) prescribe a drug or other remedial substance used in medicine.

SECTION 34. IC 25-27.5-2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. "Approved program" means a ~~physician assistant or a surgeon assistant program accredited by an accrediting agency;~~ **an educational program for physician assistants accredited:**

(1) by the Accreditation Review Commission on Education for the Physician Assistant; or

(2) before January 1, 2001, by:

(A) the Committee on Allied Health Education and Accreditation or its successor organization; or

(B) the Commission on Accreditation of Allied Health Education Programs or its successor organization.

SECTION 35. IC 25-27.5-2-10, AS AMENDED BY P.L.90-2007, SECTION 10, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 10. "Physician assistant" means an individual who: ~~has:~~

~~(1) graduated from a physician assistant or surgeon assistant program accredited by an accrediting agency;~~

~~(2) passed the certifying examination administered by the NCCPA and maintains certification by the NCCPA; and~~

~~(3) been licensed by the committee.~~

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1 **(1) meets the qualifications under this article; and**

2 **(2) is licensed under this article.**

3 SECTION 36. IC 25-27.5-2-13 IS AMENDED TO READ AS
4 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 13. "Supervising
5 physician" means a physician ~~registered with the board~~ who supervises
6 ~~and is responsible for~~ a physician assistant.

7 SECTION 37. IC 25-27.5-3-5, AS AMENDED BY P.L.90-2007,
8 SECTION 14, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2009]: Sec. 5. (a) The committee shall have regular meetings,
10 called upon the request of the president or by a majority of the
11 members appointed to the committee, and upon the advice and consent
12 of the executive director of the Indiana professional licensing agency,
13 for the transaction of business that comes before the committee under
14 this article. At the first committee meeting of each calendar year, the
15 committee shall elect a president and any other officer considered
16 necessary by the committee by an affirmative vote of a majority of the
17 members appointed to the committee.

18 (b) Three (3) members of the committee constitute a quorum. An
19 affirmative vote of a majority of the members appointed to the
20 committee is required for the committee to take action on any business.

21 (c) The committee shall do the following:

22 (1) Consider the qualifications of individuals who apply for an
23 initial license under this article.

24 ~~(2) Provide for examinations required under this article.~~

25 ~~(3) (2) Approve or reject license applications.~~

26 ~~(4) (3) Approve or reject renewal applications.~~

27 ~~(5) Approve or reject applications for a change or addition of a~~
28 ~~supervising physician.~~

29 ~~(6) (4) Propose rules to the board concerning the competent~~
30 ~~practice of physician assistants and the administration of this~~
31 ~~article.~~

32 ~~(7) (5) Recommend to the board the amounts of fees required~~
33 ~~under this article.~~

34 SECTION 38. IC 25-27.5-4-1, AS AMENDED BY P.L.90-2007,
35 SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
36 JULY 1, 2009]: Sec. 1. An individual must be licensed by the
37 committee before the individual may practice as a physician assistant.
38 The committee may grant a license as a physician assistant to an
39 applicant who does the following:

40 (1) Submits an application on forms approved by the committee.

41 (2) Pays the fee established by the board.

42 (3) Has **either:**

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(A) successfully:

(i) completed an educational program for physician assistants ~~or surgeon assistants~~ accredited by an ~~accrediting agency~~; **approved program**; and

~~(B) (ii)~~ passed the Physician Assistant National Certifying Examination administered by the NCCPA and maintains current NCCPA certification; **or**

(B) passed the Physician Assistant National Certifying Examination administered by the National Commission on Certification of Physician Assistants before 1986.

(4) Submits to the committee any other information the committee considers necessary to evaluate the applicant's qualifications.

(5) Presents satisfactory evidence to the committee that the individual has not been:

(A) engaged in an act that would constitute grounds for a disciplinary sanction under IC 25-1-9; or

(B) the subject of a disciplinary action by a licensing or certification agency of another state or jurisdiction on the grounds that the individual was not able to practice as a physician assistant without endangering the public.

(6) Is of good moral character.

(7) Has been approved by the board.

SECTION 39. IC 25-27.5-4-4, AS AMENDED BY P.L.90-2007, SECTION 19, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) The committee may grant a temporary license to an applicant who

~~(1) meets the qualifications for licensure under section 1 of this chapter except:~~

~~(A) for the taking of the next scheduled NCCPA examination;~~
~~or~~

~~(B) if the applicant has taken the NCCPA examination and is awaiting the results; or~~

~~(2) meets the qualifications for licensure under section 1 of this chapter but is awaiting the next scheduled meeting of the committee.~~

(b) A temporary license is valid until

~~(1) the results of an applicant's examination are available; and~~

~~(2) the committee makes a final decision on the applicant's request for a license.~~

~~(c) The Indiana professional licensing agency shall immediately revoke a temporary license granted under this section upon notice to the Indiana professional licensing agency that the temporary license~~

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holder has failed the NCCPA examination. The committee or the committee's designee may extend the term of a temporary license if the committee or the committee's designee determines that there is good cause for the extension.

(d) A physician assistant practicing under a temporary license must practice with onsite physician supervision.

(e) A physician assistant who notifies the committee in writing may elect to place the physician assistant's license on an inactive status. The renewal fee for an inactive license is one-half (1/2) of the renewal fee to maintain an active license. If a physician assistant with an inactive license determines to activate the license, the physician assistant shall pay the renewal fee less any the amount paid for the inactive license.

(f) An individual who holds a license under this article and who practices as a physician assistant while:

(1) the individual's license has lapsed; or

(2) the individual is on inactive status under this section;

is considered to be practicing without a license and is subject to discipline under IC 25-1-9.

SECTION 40. IC 25-27.5-4-9, AS ADDED BY P.L.90-2007, SECTION 22, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 9. (a) An individual who:

(1) is licensed under this chapter; and

(2) does not practice as A physician assistant under a supervising physician;

shall notify who notifies the committee in writing that the individual does not have a supervising physician.

(b) If an individual who is licensed under this chapter does not practice as a physician assistant under a supervising physician, the board shall place the individual's may elect to place the physician assistant's license on inactive status.

(b) The renewal fee for an inactive license is one-half (1/2) of the renewal fee to maintain an active license.

(c) An individual may reinstate a license that is placed on inactive status under this section if the individual:

(1) submits a written application to the committee requesting that the license be placed on active status; and

(2) provides information as required by the committee concerning the physician who will be supervising the individual.

(c) If a physician assistant with an inactive license elects to activate the license, the physician assistant shall pay the renewal fee less any of the amount paid for the inactive license.

(d) An individual who holds a license under this article and who

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practices as a physician assistant while:

(1) the individual's license has lapsed; or

(2) the individual is on inactive status under this section;

is considered to be practicing without a license and is subject to discipline under IC 25-1-9.

SECTION 41. IC 25-27.5-5-2, AS AMENDED BY P.L.90-2007, SECTION 24, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) A physician assistant must ~~engage in a dependent practice~~ **medicine** with physician supervision. A physician assistant may perform ~~under the supervision of the supervising physician~~, the duties and responsibilities that are delegated by the supervising physician, ~~and that are within the supervising physician's scope of practice~~, including prescribing and dispensing drugs and medical devices. **A physician assistant may provide any medical service that is delegated by the supervising physician when the service is within the physician assistant's skill, forms a component of the physician's scope of practice, and is provided with supervision. A physician assistant may perform a task not within the scope of practice of the supervising physician if the supervising physician has adequate training, oversight skills, and supervisory and referral arrangements to ensure competent provision of the service by the physician assistant.** A patient may elect to be seen, examined, and treated by the supervising physician.

(b) If a physician assistant determines that a patient needs to be examined by a physician, the physician assistant shall immediately notify the supervising physician or physician designee.

(c) If a physician assistant notifies the supervising physician that the physician should examine a patient, the supervising physician shall:

(1) schedule an examination of the patient in a timely manner unless the patient declines; or

(2) arrange for another physician to examine the patient.

(d) If a patient is subsequently examined by the supervising physician or another physician because of circumstances described in subsection (b) or (c), the visit must be considered as part of the same encounter except for in the instance of a medically appropriate referral.

(e) A supervising physician or physician assistant who does not comply with subsections (b) through (d) is subject to discipline by the medical licensing board under IC 25-1-9.

~~(f) A physician assistant's supervisory agreement with a supervising physician must:~~

~~(1) be in writing;~~

~~(2) include all the tasks delegated to the physician assistant by the~~

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supervising physician;

(3) set forth the supervisory plans for the physician assistant; including the emergency procedures that the physician assistant must follow; and

(4) specify the name of the drug or drug classification being delegated to the physician assistant and the protocol the physician assistant shall follow in prescribing a drug.

(g) The physician shall submit the supervisory agreement to the board for approval. The physician assistant may not prescribe a drug under the supervisory agreement until the board approves the supervisory agreement. Any amendment to the supervisory agreement must be resubmitted to the board for approval; and the physician assistant may not operate under any new prescriptive authority under the amended supervisory agreement until the agreement has been approved by the board.

(h) A physician or a physician assistant who violates the supervisory agreement described in this section may be disciplined under IC 25-1-9.

SECTION 42. IC 25-27.5-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 3. (a) A physician assistant is the agent of the supervising physician in the performance of all practice related activities, including the ordering of diagnostic, therapeutic, and other medical services.

(b) A physician assistant may do the following:

(1) Pronounce the death of an individual.

(2) Authenticate with the physician assistant's signature any form that may be authenticated by a physician's signature.

SECTION 43. IC 25-27.5-6-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 4. (a) A physician supervising a physician assistant must do the following:

(1) Be licensed under IC 25-22.5.

(2) Register with the board the physician's intent to supervise a physician assistant.

(3) Submit a statement to the board that the physician will exercise supervision over the physician assistant in accordance with rules adopted by the board and retain professional and legal responsibility for the care rendered by the physician assistant.

(2) Not have a disciplinary action restriction that limits the physician's ability to supervise a physician assistant.

(3) Maintain a written agreement with the physician assistant.

(b) The agreement required in subsection (a)(3) must state that the physician will exercise supervision over the physician assistant

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1 according to any rules adopted by the board and will retain
 2 professional and legal responsibility for the care rendered by the
 3 physician assistant. The agreement must be signed by the physician
 4 and the physician assistant and updated annually. The agreement
 5 must be kept on file at the practice site and made available to the
 6 board upon request.

7 (c) Except as provided in this section, this chapter may not be
 8 construed to limit the employment arrangement with a supervising
 9 physician under this chapter.

10 SECTION 44. IC 25-34.1-2-5 IS AMENDED TO READ AS
 11 FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 5. The commission
 12 may:

- 13 (1) administer and enforce the provisions of this article;
- 14 (2) adopt rules in accordance with IC 4-22-2 and prescribe forms
 15 for licenses, applications, principal broker certifications, and
 16 other documents which are necessary or appropriate for the
 17 administration and enforcement of this article;
- 18 (3) issue, deny, suspend, and revoke licenses in accordance with
 19 this article, which licenses shall remain the property of the
 20 commission;
- 21 (4) subject to IC 25-1-7, investigate complaints concerning
 22 licensees or persons the commission has reason to believe should
 23 be licensees, including complaints respecting failure to comply
 24 with this article or the rules, and, when appropriate, take action
 25 pursuant to IC 25-34.1-6;
- 26 (5) bring actions, in the name of the state of Indiana, in an
 27 appropriate circuit court in order to enforce compliance with this
 28 article or the rules;
- 29 (6) inspect the records of a licensee in accordance with rules and
 30 standards prescribed by the commission;
- 31 (7) conduct, or designate a member or other representative to
 32 conduct, public hearings on any matter for which a hearing is
 33 required under this article and exercise all powers granted in
 34 IC 4-21.5;
- 35 (8) adopt a seal containing the words "Indiana Real Estate
 36 Commission" and, through its executive director, certify copies
 37 and authenticate all acts of the commission;
- 38 (9) utilize counsel, consultants, and other persons who are
 39 necessary or appropriate to administer and enforce this article and
 40 the rules;
- 41 (10) enter into contracts and authorize expenditures that are
 42 necessary or appropriate, subject to IC 25-1-6, to administer and

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enforce this article and the rules;

(11) maintain the commission's office, files, records, and property in the city of Indianapolis;

(12) grant, deny, suspend, and revoke approval of examinations and courses of study as provided in IC 25-34.1-5;

(13) provide for the filing and approval of surety bonds which are required by IC 25-34.1-5;

(14) adopt rules in accordance with IC 4-22-2 necessary for the administration of the investigative fund established under IC 25-34.1-8-7.5; ~~and~~

(15) annually adopt emergency rules under IC 4-22-2-37.1 to adopt any or all parts of Uniform Standards of Professional Appraisal Practice (USPAP), including the comments to the USPAP, as published by the Appraisal Standards Board of the Appraisal Foundation, under the authority of Title XI of the Financial Institutions Reform, Recovery, and Enforcement Act (12 U.S.C. 3331-3351); and

~~(15)~~ **(16)** exercise other specific powers conferred upon the commission by this article.

SECTION 45. IC 30-2-13-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 15. (a) If a seller:

(1) ceases to have a certificate of authority or loses a professional license required to provide services under this chapter;

(2) ceases to exist or operate;

(3) is incapable of performing the seller's obligations under an unperformed contract for any reason; or

(4) sells or leases the seller's business, facilities, or assets;

the seller shall give notice to the board and to each purchaser for whom funds are held in a trust or escrow under this chapter. The notice shall specify the reason for the issuance of the notice.

(b) The seller's written notice under subsection (a) must be:

(1) addressed to the purchaser's last known address; and

(2) mailed within fifteen (15) days after the seller becomes incapable of performing the obligations under the contract.

(c) A purchaser who receives a notice under subsection (a) has thirty (30) days after the date the notice was mailed by the seller to select and designate a new seller under section 13 of this chapter to become the beneficiary of the trust or the designated recipient of the escrow funds. The first seller shall send written notice of the designation of a new seller to the newly designated seller or to the trustee.

(d) A seller shall transfer all unperformed contracts and funds held in trust or escrow under this chapter to the seller who is the successor

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owner or lessee of the transferring seller. The successor seller shall perform all contracts transferred under this subsection.

(e) If:

(1) the seller fails to comply with subsection (a)(1), (a)(2), or (a)(3); or

(2) a purchaser fails to designate a new seller;
the designation shall be made by the board.

SECTION 46. IC 34-30-2-77.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: **Sec. 77.8. IC 16-39-7-1 (Concerning medical care providers for maintenance of health records in connection with a disaster).**

SECTION 47. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2009]: IC 25-8-4-18; IC 25-8-12.5-7; IC 25-15-5-2; IC 25-27.5-2-4.5; IC 25-27.5-3-7; IC 25-27.5-6-2; IC 25-27.5-6-5.

SECTION 48. [EFFECTIVE JULY 1, 2008 (RETROACTIVE)] **(a) An individual who, before July 1, 2008, receives a master's or doctoral degree described in IC 25-23.6-8-1(1)(A) and who seeks licensure under IC 25-23.6-8, as amended by P.L.134-2008, may do either of the following:**

- (1) Seek a marriage and family therapist associate license by:**
 - (A) applying for a marriage and family associate license under IC 25-23.6-8, as amended by P.L.134-2008, if the individual meets the requirements under IC 25-23.6-8, as amended by P.L.134-2008; and**
 - (B) taking the required examination.**

Notwithstanding IC 25-23.6-8-2.7(b), as amended by P.L.134-2008, SECTION 43, any postdegree clinical experience that the individual obtained before July 1, 2008, counts toward the requirements of IC 25-23.6-8, as amended by P.L.134-2008.

- (2) Seek a marriage and family therapist license by applying for a marriage and family therapist license under IC 25-23.6-8, as amended by P.L.134-2008, if the individual meets the requirements under IC 25-23.6-8, as amended by P.L.134-2008.**

(b) This SECTION expires June 30, 2013.

SECTION 49. An emergency is declared for this act.

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